

REMARKS

Claims 1-28 are in this application.

Claims 24-25 and 27-28 are withdrawn.

Claims 29-30 have been cancelled.

Claims 6, 7, 8, 10, 19, 20, 21, 23 and 26 have been amended.

A substitute specification is being filed with this response.

Paragraph [0060] is being amended to include reference to Figures 2a and 2b.

An Information Disclosure Statement is being filed with this application. The Information Disclosure Statement includes the Reference AR: Effects on RNA Interferences in Gene Nucleic Acid, Drug Dev. authored by Hamada et al.

In view of the amendments to the claims, it is submitted that the objections to Claims 6-8 and 19-21 are moot.

Claims 1-5, 9-18, 22-23, 26 and 29-30 are rejected under 35 USC 102(e) as being anticipated by Zamore, et al. (US 2005/186586) as evidenced by Aravin, et al. (Development Cell, 2003) and Elbashir, et al. (Nature 2001).

Claims 1-23, 26, 29 and 30 are rejected under 35 USC 103(a) as being unpatentable over Zamore, et al. (US 2005/0816586) as applied to Claims 1-5, 9-18, 22-23, 26 and 29-30 above, and further in view of Abdelgany, et al. (Human Molecular Genetics, 2003, Vol. 12, No. 20: 2637-2644).

These are respectfully traversed.

Claims 1-5, 9-18, 22, 23 and 26 in this application are supported by the first Japanese priority application 2003-294504 filed on August 18, 2003 which was filed prior to the filing date of August 4, 2004 of the Zamore reference. Therefore, this reference is not properly cited and it is respectfully requested that it will be withdrawn.

For the Examiner's convenience, attached is translation of the the Japanese priority application 2003-294504 filed on August 18, 2003. This is the same as the PCT specification JP04/11822 except for the disclosure of subject matter of Claims 29 and 30 and paragraphs 0032-0034 and Example 3. However, as shown in the attached set of claims, Claims 29 and 30 have been cancelled.

The subject matter of claims 29-30 and paragraphs 0032-0034 are disclosed in the second Japanese priority application 2003-427970. Example 3 is included in the PCT specification of PCT/JP04/11822.

The first priority application of Zamore et al. was filed on June 2, 2003. The Examiner's attention is drawn to the fact that the first priority of Zamore reference i.e., U.S. Provisional application No. 60/475,331, does not disclose Figure 21E and Figure 14A upon which the Examiner primarily relied in the outstanding Action.

Attached is a copy of the provisional application of the Zamore reference. In addition, there are no figures 16A, 16D and 17A or Table 1 in this provisional application. In addition, the priority application does not include text corresponding to paragraph [0309] of Zamore, et al. (US 2005/0186586).

Therefore, since the applicants' earliest filed priority application supports the claims and the Zamore's earliest filed priority application 60/475,331 does not contain the disclosure relied on by the Examiner, Zamore is not properly cited and it is respectfully requested that this rejection be withdrawn.

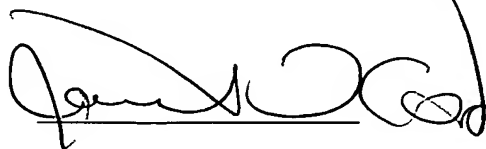
In addition, Abdelgany, et al. was published on October 16, 2003, which was later than the first priority date of the present application. Please see the copy of the Table of Contents for Human Molecular Genetics, Vo. 12, No. 20, October 16, 2003 filed with the accompanying Information Disclosure Statement.

Therefore, since the primary reference cited by the Examiner was not properly cited, it is respectfully requested that the rejections be withdrawn.

All rights to file one or more divisional applications directed to the subject matter of the nonelected claims and/or any other subject matter disclosed in the specification are preserved.

It is submitted that the application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Janet I. Cord", is written over a horizontal line.

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